

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN C. DUVALL,

Petitioner,

v.

LARRY CRAWFORD,

Respondent.

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No. 4:07CV01232 ERW

**ORDER**

This matter is before the Court on petitioner's motion for leave to proceed in forma pauperis on appeal and motion for certificate of appealability.

This action was adjudicated on September 16, 2008. The United States Court of Appeals for the Eighth Circuit dismissed petitioner's appeal on February 27, 2009. Petitioner filed a frivolous motion for reconsideration on August 10, 2009, which this Court denied. Petitioner also filed a motion for certificate of appealability on September 8, 2009, which this Court denied.

The motion for leave to proceed in forma pauperis will be denied because the appeal has not been taken in good faith. See 28 U.S.C. § 1915(a)(3). As stated above, petitioner's motion for reconsideration had no legal merit.

The motion for certificate of appealability will be denied because petitioner has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c).

Because it appears that petitioner intended for his motion for certificate of appealability to be filed in the United States Court of Appeals for the Eighth Circuit, the Court will order the Clerk to forward a copy of the motion to the appellate court.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for leave to proceed in forma pauperis on appeal [#81] is **DENIED**.

**IT IS FURTHER ORDERED** that petitioner's motion for certificate of appealability [#82] is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk shall forward a copy of petitioner's motion for certificate of appealability to the United States Court of Appeals for the Eighth Circuit.

**IT IS FURTHER ORDERED** that plaintiff shall, within thirty (30) days of the date of this Order, either pay the \$455 appellate filing fee or file a motion in the United States Court of Appeals for the Eighth Circuit for leave to proceed in forma pauperis.

**IT IS FURTHER ORDERED** that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 29th day of September, 2009.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE